

08-T-02

Official Form 5 (10/06)

United States Bankruptcy Court		INVOLUNTARY PETITION							
EASTERN District of NEW YORK									
IN RE (Name of Debtor – If Individual: Last, First, Middle) DAVID THAUSE		ALL OTHER NAMES used by debtor in the last 6 years (Include married, maiden and trade names.)							
LAST FOUR DIGITS OF SOC. SEC./Complete EIN or other TAX I.D. NO. (if more than one, state all)		MAILING ADDRESS OF DEBTOR (if different from street address)							
STREET ADDRESS OF DEBTOR (No. and street, city, state and zip code) 330 Neptune Avenue Brooklyn, New York 11235									
COUNTY OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS KINGS 11235 ZIP CODE		ZIP CODE							
LOCATION OF PRINCIPAL ASSETS OF INDIVIDUAL OR BUSINESS DEBTOR (if different from previously listed address) 1455 West 5 th Street, Brooklyn, New York 11235 and other adjoining parcels									
CHAPTER OF BANKRUPTCY CODE UNDER WHICH PETITION IS FILED <input checked="" type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11									
INFORMATION REGARDING DEBTOR (Check applicable boxes)									
Nature of Debts (Check one box) Petitioners believe <input type="checkbox"/> Debts are primarily consumer debts <input checked="" type="checkbox"/> Debts are primarily business debts	Type of Debtor (Form of Organization) <input checked="" type="checkbox"/> Individual (Includes Joint Debtor) <input type="checkbox"/> Corporation (Includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below)	Nature of Business (Check one box) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51)(B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Other							
BRIEFLY DESCRIBE NATURE OF BUSINESS REAL ESTATE DEVELOPER									
VENUE		FILING FEE (Check one box)							
<input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in the District for 180 days immediately preceding the date of this petition or for a longer of such 180 days than in any other District. <input type="checkbox"/> A bankruptcy case concerning debtor's affiliate, general Partner or partnership is pending in this District.		<input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Petitioner is a child support creditor or its representative, and the form specified in § 304(g) of the Bankruptcy Reform Act of 1994 is attached. <i>[If a child support creditor or its representative is a petitioner, and if the petitioner files the form specified in §304(g) of the bankruptcy Reform Act of 1994, no fee is required.]</i>							
PENDING BANKRUPTCY CASE FILED BY OR AGAINST ANY PARTNER OR AFFILIATE OF THIS DEBTOR (Report information for any additional cases on attached sheets.)									
Name of Debtor		RECEIP							
Relationship		Case # 08-43737 BRCEC Chapter 7 Filed: 06/12/08 Brooklyn							
ALLEGAT (check applicable) 1 <input checked="" type="checkbox"/> Petitioner(s) are eligible to file this petition 2 <input checked="" type="checkbox"/> The debtor is a person against whom an order of the United States Code. 3a <input checked="" type="checkbox"/> The debtor is generally not paying such debts such debts are the subject of a bona fide dispute b <input type="checkbox"/> Within 120 days preceding the filing of this petition, a receiver, or agent appointed or authorized to take possession of the property of the debtor for the purpose of liquidation, was appointed or took possession.		# 000289490 - SM 01:59 PM, June 12, 2008 <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: left; padding: 2px;">Code</td> <td style="text-align: left; padding: 2px;">Qty</td> <td style="text-align: left; padding: 2px;">Amount</td> </tr> <tr> <td style="padding: 2px;">71V</td> <td style="padding: 2px;">1</td> <td style="padding: 2px;">\$299.00</td> </tr> </table> TOTAL PAID: \$299.00 From: Mandel Goldsmith 930 Eastern Parkway Brooklyn, NY 11213		Code	Qty	Amount	71V	1	\$299.00
Code	Qty	Amount							
71V	1	\$299.00							

UNITED STATES BANKRUPTCY COURT

08-T-02

Official Form 5 (10/06) – Cont.

Name of Debtor DAVID THAUSE

Case No. _____

TRANSFER OF CLAIM

☐ City this box if there has been a transfer of any claim against the debtor or to any petitioner. Attach all documents that evidence the transfer and any statements that are required under Bankruptcy Rule 1003(a)

REQUEST FOR RELIEF

Petitioner(s) request that an order for relief be entered against the debtor under the chapter of title 11, United States Code, specified in this petition. If any petitioner is a foreign representative appointed in a foreign proceeding, a certified copy of the order of the court granting recognition is attached.

Petitioner(s) declare under penalty of perjury that the foregoing is true and correct according to the best of their knowledge, information, and belief.

X

Signature of Petitioner or Representative (State title)

Mandel Goldsmith

06/11/08

Name of Petitioner

Date Signed

Name & Mailing

Address of Individual

Signing in Representative

Capacity

X

Signature of Attorney

Date

Name of Attorney Firm (If any)

Address

Telephone No.

X

Signature of Petitioner or Representative (State title)

Name of Petitioner

Date Signed

Name & Mailing

Address of Individual

Signing in Representative

Capacity

X

Signature of Attorney

Date

Name of Attorney Firm (If any)

Address

Telephone No.

X

Signature of Petitioner or Representative (State title)

Name of Petitioner

Date Signed

Name & Mailing

Address of Individual

Signing in Representative

Capacity

X

Signature of Attorney

Date

Name of Attorney Firm (If any)

Address

Telephone No.

PETITIONING CREDITORS

Mandel Goldsmith

930 Eastern Parkway, Brooklyn, NY 11213

Name and Address of Petitioner

Nature of Claim

Monies Advanced

Amount of Claim

\$1,300,000.00

Name and Address of Petitioner

Nature of Claim

Amount of Claim

Name and Address of Petitioner

Nature of Claim

Amount of Claim

Note: If there are more than three petitioners, attach additional sheets with the statement under penalty of perjury, each petitioner's signature under the statement and the name of attorney and petitioning creditor information in the format above

Total Amount of Petitioners' Claims

_____ continuation sheet attached

08-T-02

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

INVOLUNTARY CHAPTER 7

DAVID THAUSE

Case No.

Debtor.

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INVOLUNTARY CHAPTER 7 PETITION

Petitioner, Mandel Goldsmith, respectfully alleges:

1. Petitioner, Mandel Goldsmith, with an address at 930 Eastern Parkway, Suite 100, Brooklyn, New York 11213, (the "Petitioning Creditor"), holding an secured claim against the Debtor, not contingent as to liability and not in dispute, amounting in aggregate to \$1,300,000.00.

2. The nature of the claim is for monies, loans, mortgages and advances for the debtor's purchase and development of real property owned by the debtor and his affiliate West Side Condo Corp., known as 1455 West 5th Street, Brooklyn, New York 11235 and other adjoining parcels, which loans has not been repaid by the Debtor, and the amount of the claim is \$1,300,000.00.

3. The Debtor has his principal place of residence within the district for a longer of One Hundred Eighty (180) days preceding the filing of this Involuntary Petition than in any other district, to wit: the Debtor's address within the district is 330 Neptune Avenue, Brooklyn, New York 11235.

4. The Debtor is an individual against whom an Order for Relief may be entered under Title XI; Chapter 7 of the United States Bankruptcy Code.

5. The Debtor is generally not paying the debts as they become due and that the Creditors holding the claims are not contingent as to liability and not subject to bona fide dispute, and said claims amount in aggregate, in excess of any lien held by them on the Debtor's property securing such claims, at least, and exceeding \$50,000.00 or more.

6. That Petitioner did present mortgage and other documents and statements evincing the debt, and did demand payment and/or delivery of the deeds in lieu of foreclosure.

7. That upon information and belief, the Debtor does not have more than twelve (12) creditors.

8. That it is verily believed that a Chapter 7 is the only relief to be granted, and it is further verily believed that when all facts are known, it will be determined that no viable equity in any assets exists or the Debtor is not able to be rehabilitated.

WHEREFORE, the Petitioning Creditor prays that an Order for Relief be entered against the Debtor under Chapter 7 of Title 11 of the United States Bankruptcy Code.

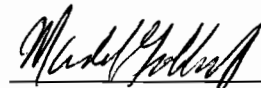
Dated: Brooklyn, New York
June 11, 2008


Mandel Goldsmith

UNSWORN DECLARATION

Mandel Goldsmith declares that the foregoing is true and accurate to the best of my knowledge, information, and belief.

Dated: Brooklyn, New York
June 11, 2008



Mandel Goldsmith

08-T-02

Case No.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

IN THE MATTER OF:

DAVID THAUSE

Debtor.

INVOLUNTARY CHAPTER 7

PETITION UNDER TITLE XI OF THE UNITED STATES BANKRUPTCY CODE

Mandel Goldsmith
Petitioning Creditor

930 Eastern Parkway – Suite 100
Brooklyn, New York 11213
1718 431-0767
